

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JIN MING LIN, CHI WAI CHAO,)
YOOK THAI CHEAH, MING F. FUNG,)
MUOI GIANG, YUEN YUE SOOHOO,)
and MEI ZHI,)
Plaintiffs,) Civil Action No. 09-11510-GAO
v.)
CHINATOWN RESTAURANT CORP.,)
and JOYCE P.Y. HAYES,)
Defendants.)

)

Plaintiffs' Proposed Jury Instruction Regarding Minimum Wage

The Fair Labor Standards Act requires covered employers to pay non-exempt employees engaged in commerce or in the production of goods for commerce, or employed in an enterprise engaged in commerce a minimum wage. Federal law requires that the applicable minimum wage in this case is the Massachusetts minimum wage of \$8.00 per hour.¹

¹ 29 C.F.R. § 778.5 states that “[w]here a higher minimum wage than that set in the Fair Labor Standards Act is applicable to an employee by virtue of such other legislation, the regular rate of the employee, as the term is used in the Fair Labor Standards Act, cannot be lower than such applicable minimum, for the words “regular rate at which he is employed” as used in section 7 must be construed to mean the regular rate at which he is lawfully employed.

RESPECTFULLY SUBMITTED,
For Plaintiffs
By their attorneys,

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CERTIFICATE OF SERVICE

I certify that on this day I caused a true copy of the above document to be served upon the attorney of record for all parties via CMF/ECF.

Date: 10/25/12 /s/ Myong J. Joun
Myong J. Joun